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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 1519/2017 and CM APPL. 6884/2017**

CHANDER SHEKHAR

..... Petitioner

Through: Mr S.S. Jain and Mr R.K. Sharma,
Advocates.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr Rajesh Kumar, Ms Santwana and
Mr Nikhil, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **22.11.2017**

1. The petitioner has filed the present petition, *inter alia*, impugning the order dated 14.10.2016 (hereafter 'the impugned order') passed by respondent no.3 (Director General, Archaeological Survey of India) directing eviction of the petitioner from a portion of the property forming a part of the Armenian Cemetery.
2. For the reasons as discussed in ***W.P. (C) 594/2017*** titled ***Roseline Wilson and Ors vs Archaeological Survey of India and Ors.*** dated **20.11.2017**, the impugned order is set aside and the matter is remanded to respondent no.3.
3. The concerned officer – the officer who exercises the delegated power of the Central Government under Section 19(2) of the Archaeological Sites and Remains Act, 1958 – shall issue a notice providing the petitioner an opportunity to be heard and pass an order after hearing the petitioner. It is

clarified that no adjournments would be granted to the petitioner for the aforesaid purpose, and in the event the petitioner is not represented on the date fixed, his right to be heard would stand closed and the concerned officer shall proceed to pass an order as he deems fit.

4. It is further directed that the concerned officer shall fix a hearing within a period of six weeks from today and the concerned officer shall pass the final order within a period of eight weeks, thereafter.

5. The petition and pending application stands disposed of with the aforesaid observations.

6. It is clarified that in the meanwhile *status quo* as to the property in question shall be maintained.

7. Order *dasti*.

VIBHU BAKHRU, J

NOVEMBER 22, 2017

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